

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MOUNT POCONO MUNICIPAL AUTHORITY,	:	CIVIL ACTION NO. 3:20-CV-1105
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
RKR HESS, A DIVISION OF UTRS, INC.,	:	
	:	
Defendant and Third-Party Plaintiff	:	
	:	
v.	:	
	:	
INSTRUMENTATION, CONTROL & ENERGY ENGINEERING, LLC, and SCHOONOVER & VANDERHOOF ARCHITECTS, LLC,	:	
	:	
Third-Party Defendants	:	

ORDER

AND NOW, this 20th day of August, 2021, upon consideration of the motion (Doc. 27) to dismiss filed by third-party defendant Instrumentation, Control & Engineering, LLC (“ICEE”), seeking to dismiss the third-party complaint filed against it by defendant and third-party plaintiff RKR Hess, as well as the parties’ respective briefs in support of and opposition thereto, and for the reasons set forth in the accompanying memorandum of today’s date, it is hereby ORDERED that:

1. ICEE’s motion (Doc. 27) to dismiss is GRANTED solely to the extent the court agrees with both parties that 68 PA. STAT. AND CONS. STAT. ANN. § 491 bars an engineering firm like RKR Hess from seeking indemnification for its own errors as enumerated in the statute. ICEE’s motion (Doc. 27) is otherwise DENIED.

2. ICEE shall file an answer to the third-party complaint in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania